



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/847,201 | 05/02/2001 | Debby Hindus | 060231-302102 | 7303 |

21912 7590 12/18/2006

VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO, CA 95014

EXAMINER

REKSTAD, ERICK J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2621

DATE MAILED: 12/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 09/847,201 | Applicant(s) HINDUS ET AL. | |
| | Examiner Erick Rekstad | Art Unit 2621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a First Action Final Rejection for application no 09/847,201 in response to the RCE filed on November 20, 2006.

Response to Arguments

Applicant's arguments filed November 20,2006 have been fully considered but they are not persuasive. The Applicant argues that Mead does not teach the requirement of a "low bandwidth output includes an abstract representational communication" as recited in independent claim 1. It is viewed by the Applicant that the statement of Mead, "preserve the content integrity of the signal", does not provide for an abstraction of the content as such an abstraction would not preserve the content integrity of a signal.

The Examiner respectfully disagrees. Mead specifically teaches that such a means to preserve the content integrity of the signal is to transmit only a symbolic representation of the desired object (Col 1 Lines 39-50). Mead teaches that the encoder matches each object to a known object, in order, to send the decoder only a symbolic code for the object (Col 3 Lines 6-23). Mead provides a specific example of a video containing a human head. The head is compared with heads in a generic library. The symbolic code for closest match in the generic library is sent instead of the actual video containing the head (Col 3 Line 66-Col 4 Line 15). Thus, Mead teaches a means for providing a low bandwidth output including an abstract representational communication which also preserves the content integrity of the signal.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,898,457 to Nagao et al. in view of US Patent 6,683,993 to Mead.

[claim 1]

As shown in Figure 1, Nagao teaches a communication station (100) for transmitting audio and video communications comprising:

- a data processor (101);

- a high bandwidth input device coupled to said data processor (104);

- a transmission port (107) coupled to said data processor;

- a reception port (107) coupled to said data processor;

- a high bandwidth output display device (102) coupled to said data processor (Col 3 Line 24-Col 4 Line 4).

Nagao further shows in Figure 3,

- a high/low data display bandwidth selector (7j in Fig. 3, 103 in Fig. 1) coupled to said data processor, wherein a transmission bandwidth is user selectable;

- a high/low transmission bandwidth selector (7j in Fig. 3, 103 in Fig. 1) coupled to said data processor, wherein a transmission bandwidth is user selectable; and

- wherein said high bandwidth output display device (102 in Fig. 1) displays a bandwidth selected by said high/low data display bandwidth selector (Col 3 Lines 39-41)

Art Unit: 2621

(Col 5 Line 50-Col 6 Line 15, Col 17 Line 6-Col 18 Line 47). Nagao does not teach "said low bandwidth output includes an abstract representational communication".

As shown in Figure 1, Mead teaches the use of a symbolic code in order to significantly reduce the number of bits needed to transmit the content (Col 1 Lines 39-51, Col 2 Lines 58-65, Col 3 Lines 42-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to encode using the symbolic code of Mead provide a low bandwidth version of the audio signal or video signal as taught by Mead (Col 1 Lines 39-51 and Col 3 Lines 1-5).

[claim 2]

Nagao further teaches the high bandwidth input device is a video camera (Col 4 Lines 37-51).

[claim 3]

As shown in Figure 1, Nagao teaches the high bandwidth output device is a monitor (102).

[claims 4-7 and 9]

Nagao teaches the transmission of sound at 56kbps, video at 62.4 kbps and other data at 6.4kbps (Col 8 Lines 11-21). Note, the video bandwidth is at least two orders of magnitude greater than the other data bandwidth as required by claim 5. Nagao further shows in Figure 13, the ISDN is used for both sending and receiving data. Therefore, the communication station receives video at 62.4kbps and other data at 6.4kbps. The high bandwidth communication is used for video as required by claim 9.

Art Unit: 2621

[claim 8]

Nagao teaches receiving video from a camera and displaying it at multiple quality levels (Col 3 Lines 39-41, Col 4 Lines 37-51, Col 5 Line 50-Col 6 Line 15, Figures 1 and 3). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to display high quality video at a lower quality based on a user's preference as taught by Nagao.

[claim 10]

Nagao teaches the audio is communicated on a lower bandwidth (56kbps) then the video (62.4kbps) (Col 8 Lines 11-21).

[claim 11]

Nagao teaches the audio is communicated on a higher bandwidth (56kbps) then the other data bandwidth (6.4kbps) (Col 8 Lines 11-21).

[claim 12]

Nagao teaches the communication station of claim 6. Nagao teaches the transmission of audio at a lower bandwidth (Col 8 Lines 11-21). Nagao further teaches the audio may be degraded to (16kbps) (Col 7 Lines 53-63).

[claims 13 and 14]

Nagao teaches dynamically adjusting the quantization threshold value in order to change the image quality and therefore the bandwidth usage (Col 11 lines 3-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention that the quantization threshold is a dynamic abstraction filter.

To improve range quality it would have been obvious to one of ordinary skill in the art at the time of the invention that the reduced image could be reduced at least two orders of magnitude as required by claim 14 (Official Notice).

Conclusion

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 571-272-7338. The examiner can normally be reached on 8-5.

Art Unit: 2621

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Erick Rekstad
Examiner 
AU 2621
(571) 272-7338
erick.rekstad@uspto.gov


GIMS PHILIPPE
PRIMARY EXAMINER